



U.S. Department of Justice

United States Attorney
Southern District of New York

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86 Chambers Street
New York, New York 10007

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October 17, 2007

BY FACSIMILE

Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

*The Court has scheduled a
conference on the order to show cause
for Monday, October 22, 2007 at
4:30 P.M. The Government can argue
at that time whether to respond to*

Re: Aguilar v. Immigrations and Customs Enforcement, et al.,
07 Civ 8224 (JGK) (FM)

Dear Judge Koeltl:

*the order to show cause should be
coordinated with the motion to dismiss
so ordered. JGK/Kdes*

We write respectfully in response to plaintiffs' order to show cause seeking to conduct expedited discovery in connection with the above-referenced action, which asserts claims for injunctive relief and damages based on the alleged violation of plaintiffs' Fourth Amendment rights during home searches conducted by defendant Immigration and Customs Enforcement Division of the United States Department of Homeland Security ("ICE").¹

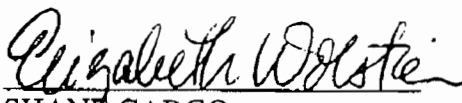
As we mentioned at the hearing on plaintiffs' application for a temporary restraining order, defendants intend to move to dismiss plaintiffs' claim for injunctive relief for lack of standing and failure to state a valid claim for injunctive relief. Given that standing is a threshold issue, and to avoid piecemeal motion practice, we believe that it makes sense to consolidate defendants' standing motion with plaintiffs' motion for expedited discovery. We therefore respectfully request that defendants have thirty days, until Friday, November 16, 2007, to submit our opposition to plaintiffs' motion for expedited discovery and defendants' cross-motion to dismiss plaintiffs' claim for injunctive relief, together with a cross-motion to stay discovery pursuant to Federal Rule of Civil Procedure 26(c).

¹ This Office has not yet obtained authority to represent the ICE employees sued for damages in their individual capacities.

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Thank you for your consideration of this matter.

Respectfully submitted,
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